

Reges v. Cauce, et al.

**Exhibit QQ
to Declaration of
Gabriel Walters**



June 13, 2023

Teaching Professor Stuart Reges
Paul G. Allen School of Computer Science & Engineering
reges@uw.edu

Ex. No. 27 Date: 6-19-23
Wit: Balazinska
Peggy Fritschy Hamilton, RPR

Dear Professor Reges,

The purpose of this letter is to notify you of the conclusion of the Faculty Code Section 25-71 process, as well as notify you of the determinations made as a result of that process. As you know, this process began with a discussion on March 8, 2022, that included you; Magdalena Balazinska, the Director of the Paul G. Allen School of Computer Science & Engineering; Dan Grossman, the Vice Director of the Allen School; and Aileen Trilles, Senior Director of Human Resources. That conversation was followed with a letter to you from Director Balazinska dated March 9, 2022, proposing a resolution to the 25-71 process without further proceedings. Based on your rejection of that proposal on March 9, 2022, the matter was escalated to my attention and, after meeting separately with you and with Director Balazinska, I moved forward with the formation of a Special Investigating Committee ("SIC") under the Faculty Code.

The SIC was composed of three faculty members with no connection to the incidents that gave rise to your potential violations of Executive Order 31, which prohibits discrimination or harassment against members of the University of Washington community; Faculty Code Sections 24-33 and 25-71A, UW's policy on providing a safe workplace; and the collective bargaining agreement between the University and the United Auto Workers which represents academic student employees ("ASEs").

The SIC's investigation established the following facts and provisional conclusions, based on multiple interviews with directly affected parties including staff and students, and on review of contemporaneous documents and of your public statements about this matter:

- In September 2020, the Allen School released an updated version of its UW Allen School Best Practices for Inclusive Teaching ("Best Practices Guide"), a series of suggestions to be considered in preparing and delivering courses so that teaching is as effective as possible for all students. One section of the document addresses syllabi and offers several statements of inclusion that may be used in syllabi to foster an inclusive learning environment (including a statement acknowledging students of diverse backgrounds, a statement acknowledging students with disabilities, a statement acknowledging students of all religions, etc.). One of those statements offered for consideration is an Indigenous Land Acknowledgment: "The University of Washington acknowledges the Coast Salish peoples of this land, the land which touches the shared waters of all tribes and bands within the Suquamish, Tulalip and Muckleshoot nations." This statement was not mandated for inclusion on syllabi.

- On December 8, 2021, in response to an email from another professor posted on the "diversity-allies" listserv, you announced your intention to include a different statement on your Winter Quarter 2022 class syllabus: "I acknowledge that by the labor theory of property the Coast Salish people can claim historical ownership of almost none of the land currently occupied by the University of Washington." No action was taken to prevent you from including this statement on your syllabus at that time, in part because the faculty members who were aware of your stated intention did not believe that you would in fact include such a statement on your syllabus.
- You included your version of a land acknowledgment statement on the syllabus for your Computer Science and Engineering 143: Computer Programming II class for Winter Quarter 2022, as you had announced you would.
- The inclusion of your land acknowledgement statement on your syllabus created an immediate and significant disruption to the University teaching environment. This disruption was evidenced by:
 - Numerous student and staff complaints regarding what they considered to be the denigrating nature of the statement on your syllabus;
 - The direct impact of the inclusion of the statement on your syllabus on Native American members of the University community, including, for example:
 - One Native American student feeling compelled to take a leave of absence from the University;
 - One Native American student feeling compelled to drop out of the University; and
 - Multiple Native American students expressing the view that the inclusion of the statement on your syllabus made them feel that they were being targeted in a manner that would disadvantage them in their education.
- The SIC found that, based on the land acknowledgment statement on your syllabus, the concerns expressed by students and staff were serious and well founded. Faculty have a professional duty to create a positive learning environment for all students. A course syllabus is a key document in establishing the nature of that environment. The SIC noted that the actions of a faculty member that appear to deliberately denigrate certain members of the community in the context of a pedagogical relationship raise a legitimate concern for students and staff.
- In response to the complaints regarding your land acknowledgment statement on your syllabus, Director Balazinska sent an email to you notifying you of the disruption that your inclusion of the statement was causing, and requesting that you remove the statement from your syllabus. In that email, Director Balazinska expressly indicated that you were welcome to express your views in other settings, but that it was inappropriate to include the statement on a syllabus for a required course in the major.

- By email on the same day, you refused to remove the statement from your syllabus and pointed out that other professors had included land acknowledgment statements whose language differed from the language suggested in the Allen School Best Practices document.
- In response, Director Balazinska indicated that, although no other language included by other professors had caused any disruption, she would ask other professors who included language other than that suggested in the Allen School Best Practices to remove their versions and/or use the suggested language instead.
- Director Balazinska did, in fact, contact other faculty members when you complained that their land acknowledgment statements differed from the suggested statement, and each of those other faculty members amended their syllabi either immediately or at the start of the following quarter.
- In the correspondence regarding this matter, you never addressed or acknowledged the disruption that the inclusion of your land acknowledgment statement on your course syllabus had caused.
- In response to the disruption caused by the inclusion of your land acknowledgment statement on your syllabus and your refusal to remove that language from the syllabus, Director Balazinska took the following actions:
 - She instructed the IT department to take down the online version of your syllabus and replaced that version with one that did not include any land acknowledgment statement.
 - She worked with the Allen School of Computer Science & Engineering to offer another section of CSE 143: Computer Programming II for Winter Quarter 2022, taught by a different professor to accommodate students who indicated that they could not continue taking the class from you. One hundred fifty-seven students chose to take that alternative section and many did so because of what they regarded as the denigrating nature of your statement.
 - She apologized to the class for any students who were offended by the language in your land acknowledgement statement.
 - She worked with the Allen School to offer in Spring Quarter of 2022 another section of CSE 142; 178 students chose to take that alternative section rather than remain in your class, and many did so because of what they regarded as the denigrating nature of your statement.
- Neither Director Balazinska nor anyone else at the University restricted your ability to express your views or publicize your land acknowledgement statement outside the context of your course syllabus, where it had actually caused a significant disruption. You continued to publicize your land acknowledgment statement in multiple ways, including in the

signature block of your university emails and by posting it outside the door to your University office.

- The SIC determined that Director Balazinska acted in a fair, balanced, and consistent manner, and that her response was appropriate. She acted to protect students and ASEs from being required to read, as part of an official syllabus, a statement which students and ASEs reasonably regarded as a denigrating remark about Native Americans, while leaving you free to express in any other context your views about Native Americans or about University policies and practices. She likewise asked other instructors to remove statements that might have been considered alienating to conservative students.
- Following the actions taken by Director Balazinska, you still refused to address or acknowledge the disruption to the learning environment caused by the inclusion of your land acknowledgement statement in your course syllabus. Instead, on February 23, 2022, you sent an email to the Allen School's diversity-allies listserv and expressed your intent to again include your land acknowledgement statement in the syllabus for your Spring Quarter class.
- On March 2, 2022, in accordance with the Faculty Code and in response to the numerous complaints from both students and staff regarding your behavior, Director Balazinska sent a letter to you requesting a meeting to discuss whether your actions violated University policies and to propose a resolution to the situation.
- On March 8, 2022, you met with Director Balazinska, Vice Director Dan Grossman, and Aileen Trilles. At that meeting you requested that any proposed resolution be delivered in writing.
- On March 9, 2022, Director Balazinska sent a letter memorializing a proposed resolution to the situation. The material terms of that proposal were as follows:
 - You acknowledge and agree that as an Allen School faculty member, you will interact with peers, staff, and students in a way that:
 - Demonstrates respect toward all and encourages a spirit of respect in all interactions and forums;
 - Creates and maintains a professional, positive, and welcoming environment that is conducive to learning, teaching, research, and service; and
 - If expressing dissent or attempting to produce change in the workplace, does so while remaining respectful to all, and in a way that maintains a professional, positive, welcoming, and supportive environment.
 - You agree not to include the statement that you have called your version of the land acknowledgment that was published in the CSE 143 Winter 2022 online course syllabus and in the online and print copy of the CSE 142 Spring 2022 syllabus in future course syllabi.
 - You agree that you will avoid any retaliation (even the appearance of same) against anyone whom you believe is involved with the allegations that Director Balazinska discussed with you at the Section 25-71 meeting. Behavior that is perceived as retaliatory might lead to further proceedings.

- On March 10, 2022, you sent a response to this proposal which stated, "Thank you for taking the time to put your proposed resolution in writing. I respectfully decline the offer." You did not propose any alternative resolution or seek any accommodation.

As a result of your refusal of the proposed resolution and your refusal to engage in further discussion, in accordance with the Faculty Code, I initiated an investigation under Section 25-71. Based on the factual findings above, the SIC concluded that your actions likely violated multiple University policies, including Executive Order 31, as well as Section 24-33 of the Faculty Code.

It is my expectation that our faculty members interact with peers and other members in the academic community, especially students, in a way that demonstrates respect for their colleagues and students. To maintain an effective learning environment, University faculty should encourage a spirit of respect in all interactions and forums, and create a safe and healthy environment that is conducive to teaching, research and service. Based on the SIC's findings, it is clear that your actions have failed to meet these expectations.

Of particular note and import are the SIC's findings that your actions harmed students and that you chose to escalate controversy even when made aware of this harm. This conclusion was based on your refusal to acknowledge or address the disruptions caused by your actions and the impact those disruptions had on the student body and fellow faculty members. The University has not interfered generally with your right to express your views, even in connection with what appears to be an intentionally provocative land acknowledgment statement that many find demeaning to the Native American members of our community. The University has merely asked that you refrain from including your land acknowledgment statement within the academic setting of course work where that particular expression has directly caused a disruption to the University's core mission of teaching and allowing students to learn.

Despite the conclusion that your actions likely violate University policy, I will decline to impose any sanction at this time. Therefore, your merit, which has been automatically held in abeyance pending this investigation in accordance with University policy, will be reinstated and you will receive merit for AY 2021-22 and AY 2022-23. This forbearance is because, while your actions have been rationally viewed by many in the community, including students and faculty, to be intended as a political stunt in an effort at self-aggrandizement, I will not at this time fully discount your assertion that your actions were intended to generate discussion, rather than merely to denigrate members of the community and cause disruption to garner attention for yourself.

It is clear, though, that your land acknowledgment statement has, in fact, caused significant disruption and will likely continue to do so when included in a purely academic setting, such as on a syllabus or in connection with the teaching of computer science courses. And there can be no question that you are now fully aware of that disruption. As a result, if you include this statement in the future, and if that inclusion leads to further disruption, I will have no option

but to conclude that your intent is to cause deliberate offense and further that disruption, and view that as an intentional violation of Executive Order 31, as well as Section 24-33 of the Faculty Code. In that event, the University will proceed with next steps in accordance with the Faculty Code. You are, of course, free to continue to express your political views (including by publicizing your land acknowledgment statement) in other ways and in other venues that are not disruptive to the academic mission of the University, as you have done in the past.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nancy Allbritton", with a stylized flourish at the end.

Nancy Allbritton
Frank & Julie Jungers Dean
College of Engineering

CC: Magda Balazinska, Director, Paul G. Allen School of Computer Science & Engineering
Aileen Trilles, Senior Director, Human Resources, College of Engineering